

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

August 13, 2008

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

### **I. ROLL CALL**

#### Commissioners Present

Commissioner Fox  
Chairman Hall  
Commissioner Kornichuk  
Commissioner Schatz  
Commissioner Camerota  
Commissioner Ganley

#### Commissioners Absent

Commissioner Pane  
Commissioner Pruett  
Commissioner Niro

#### Staff Present

Ed Meehan, Town Planner

Commissioner Ganley was seated for Commissioner Correll and Commissioner Camerota was seated for Commissioner Pruett.

### **II. PUBLIC HEARINGS**

#### **A. PETITION 34-08 – 375 East Cedar Street, Healthtrax Fitness & Wellness applicant, Healthtrax International, owner, attention Richard Booth, request for Special Exception, Section 3.2.9 Day Care Use, B-BT Zone District.**

Chairman Hall: Is the applicant present? If you will come forward please, use this microphone and present the explanation for us. We have read the Petition, state your name and address for the record, please.

Kristan Davis: Good evening, I am the program director for Healthtrax Fitness and Wellness at 375 East Cedar Street here in Newington. I am joined here this evening by our safety director, Richard Booth, and by the site director for our facility, Melinda Burke.

We are here seeking a special exception for an after school program that we are looking to implement as early as possible opportunity at our facility in Newington. I don't know if you have the outline that we submitted in front of you, or if you would like me to read through it, or should I....

Chairman Hall: Has everyone had a chance to review this? I think we are familiar with it, if you would just like to give us some of the details, and then we may have some questions when you are finished.

Kristan Davis: Okay, well, in general you can see what our overall objective is, and the only thing I would like to add to that were a couple of notes that I'm sure that you are aware in this day and age, childhood obesity is at an all time high and it continues to rise on a regular basis, due in large part to the regular sedentary activities that children undergo in the school, home, computers, video games and everything that is indoors and sitting down. We would like to do our part in trying to combat this, and that is part of the reason that we are looking to implement this program in hope of trying to instill fitness as a way of life at the earliest possible age for these kids, in combination with the fact that child care is always a need. I understand that here in Newington there is a waiting list for a number of the after school programs in the area. We have a facility, a big, beautiful facility where we can offer the opportunity for these children to not only have the child care that is required, after school, but to get them to be an extension of their physical education agenda that they get in most of their school systems, so kind of a combination of the two. That is pretty much our overall objective.

Generally speaking, how we intend to go about implementing this is, step one, trying to get the special exception from zoning and planning. We have already received information from the Department of Health. We are in the process of undertaking some very large, thick applications to obtain a child care license which is required by the State. That also requires us to get clearance from the Fire Marshal and the Building Inspector, so this is our first step in actually moving forward.

With regards to regular and implementation, if we are successful in getting a green light from all of the entities involved, we are in the process of arranging with the Dattco Bus Company to provide transportation for the kids. They would actually go to the schools, retrieve the children, and bring them back to our facility on East Cedar Street every afternoon after school. In turn, the parents would come in and pick them up on a daily basis.

With regard to the staffing, of course we are mandated by the state to meet certain requirements for staff. A head teacher, someone to act as the center director of sorts, and then subsequent staff, so everything that is called for in the regulations is what we would be looking for in staffing. We also thought as a, possibly a wonderful opportunity for educators in the local community to be able to supplement their income with this as a part time job for teachers, so we thought that would be great for them. The kids would have a homework session at the onset of each afternoon when they arrive at the center and then that would be followed by an opportunity for them to do activities of their choice, martial arts, swim instruction, yoga, Pilates for children, aerobics, just to name a few. When? As soon as possible. Obviously we're a little behind the eight ball here, we don't have all of our bases covered in time for the back to school, the onset of the back to school season, but we'd like to try to get things underway as soon as we possibly could.

Chairman Hall: Any questions?

Commissioner Ganley: The last paragraph of your brochure, you brought up during your presentation that children would be retrieved from the elementary schools. You plan on driving a Dattco Corporation bus which the town is not contracted for, up on to school property and take school children onto that bus and go someplace with them. Have you coordinated that with the Board of Ed or the school superintendent to allow this to happen.

Kristan Davis: Not as of yet, no.

Commissioner Ganley: Well, that may have bearing on whether you can get customers, clients, whatever you want to call these kids to get over to Cedar Street, so I think one of the things that you are really going to have to do is you are going to have to get that reconciled, because you just simply can't drive a bus up the school driveway and have youngsters get on the bus, it, I'm telling you, it just isn't going to happen, unless they know who it is, and you will have to have a very serious discussion with, and plus there are the other school buses there, and they happen to

be town school buses that are also on the same driveway, so you are going to have to do some coordination, and get some permission by the way, to get onto the school property with the bus.

Kristan Davis: Absolutely. We do realize that, we just haven't gone that far yet.

Commissioner Ganley: Okay. Thank you.

Kristan Davis: Thank you.

Chairman Hall: Ed, and then we will have some more questions, I'm sure.

Ed Meehan: Could you tell the Commission the floor space you plan on using, it's access and some history of that floor space. I think I spoke with you on the phone and you said it had been used in the past, or is being used for children's activities now, just so the Commission is familiar with your layout a little bit.

Kristan Davis: Okay. It is on the second floor of our building, and it is stairway as well as elevator accessible. Yes, the space has been and continues to be utilized on a regular basis for birthday parties that we provide at the center as well as some children's programming that we do off and on, here and there while the parents are on the premises, attending a class or working out or something of that nature. Those things occur during the school vacation, off and on throughout the summer and then birthday parties, we pretty much host them year round on weekends.

Ed Meehan: Thank you. That's all I have.

Chairman Hall: Questions from the Commissioners?

Commissioner Schatz: How are you going to keep the youngsters, you have a wide range of ages, K through 5, how are you going to keep them from mixing with the adults that go there if you are going to use some of the same equipment?

Kristan Davis: Not necessarily, at that age they are not old enough to be on our fitness equipment per se, if they are going to have a class, a martial arts class, in the gymnasium, the gymnasium will be reserved for the children, and for that class only during that time. Same thing for swim instruction, the pool would be reserved for that specified use during that time.

Commissioner Schatz: Thank you.

Commissioner Kornichuk: Is this the room that is way off to the right? When you come up the stairs, take a right, and is it that room that is way up in the corner?

Kristan Davis: Yes, we actually have combined two now, we initially had one which used to be, also served as our conference room of sorts, we actually opened up the room so now it is double the size.

Chairman Hall: Other questions? I have a couple. As far as the parking, when the parents come to pick up, are they going to be parking their cars and coming in to get the children, is there going to be some kind of a rotating parking.....

Kristan Davis: Parking their cars, coming in, signing their children out, and personally retrieving their children.

Chairman Hall: All right, and as far as the parking that is up there now, it seems a little tight already.

Ed Meehan: It's always been a concern for tight parking, there is parking in back that they lease, that, I don't know how much it is used, but if you have a slug of parents coming in, you know, five to six, that rush, maybe you have to consider as a suggestion, some reserved area, they are going to be quick in and out. They are not going to be like people who are there to work out for an hour, an hour and a half. Parents could probably be in and out in ten minutes, at the most so the turnover could affect, as the Chairman is pointing out, your parking needs and the traffic flow.

Kristan Davis: We do have a considerable amount of unused parking spaces available on the side and in the rear of the building, and I think it's probably very feasible that we could in fact reserve some spaces during that pickup time.

Richard Booth: I'm safety director for this location for Healthtrax, and just to answer your question very quickly, we have parking spaces that are reserved for our MedWorks, which is leased space. They close between 4:30 and 5:00, we could use those spaces to reserve for parents coming to pick up their children, if they were picking them up after 4:30 p.m. That would be typical, so we could use those spaces which are reserved for our leased space.

Commissioner Ganley: How many?

Richard Booth: I'm going to guess and tell you probably seven. Probably at least seven.

Commissioner Ganley: Is there a co-mingling with your employees and customers in the same general parking spaces? An employee pulls up, parks here and gets out and goes in....

Richard Booth: We have areas where employees are encouraged to park.

Commissioner Ganley: Well, if you made them park, then it would provide more spaces in the front.

Richard Booth: Correct.

Commissioner Ganley: You might want to consider that as a way to maneuver your parking spaces around, and I believe that you said that there was something on the side or the back.

Richard Booth: Yes, we have a lot of parking behind the building, but it's inconvenient so that is why, when you see the building, you see all those spots in the front always full, because that big lot in back is inconvenient, so ideally the evening employees would use that lot.

Chairman Hall: Other questions? What about the bathroom facilities. Do you have them specifically designated for the children, especially the kindergarten, first and second graders, who tend to be rather small, do you have those little....

Kristen Davis: Yes, actually we do, we have a youth activities center on our premises, and....

Chairman Hall: And how far away is that from this space.

Richard Booth: It's adjacent.

Kristen Davis: Actually you can walk from one room to another. There is only a single door that leads into our youth activities center.

Richard Booth: Which would be part, that room could be utilized for this program, but I don't know if she had an opportunity to make it clear, there would be no co-mingling of members and the children at all. This area is entirely separate. Not a member area at all, so there wouldn't be members coming in and out of the area.

Chairman Hall: What about the pool? Are they going to be able to use the pool, the children, are they going to have instruction, free swim, or....

Kristen Davis: They would, more than likely, if that is one of their electives then they would have an opportunity to do both. They would have an opportunity probably, if it was an hour session twice a week, then you would probably have thirty minutes of instruction and then thirty minutes of free swim.

Chairman Hall: Dedicated to the children only in the pool at this time.

Kristen Davis: We would reserve the pool for the children's use at that time.

Chairman Hall: Okay, be interesting to see what your members, I don't know if you have done any polling of them.....

Kristen Davis: Actually some hands on polling, and I think they are getting used, we're a family center, you know, the majority of our members have families, they have children, and I think that slowly but surely they are getting used to it, there's always one, here and there, you know, that gets their feathers ruffled, but at the end of the day, I think that people understand that we are a family center, that is what we are there for.

Chairman Hall: Any more questions from anyone?

Commissioner Schatz: I'll just throw this out, the door ways are three feet wide, apparently, is that going to be wide enough in case you get a youngster who might be in a wheel chair?

Richard Booth: I believe that all the doorways are adequate size for, and the elevator actually comes up right in front of this area.

Kristen Davis: Yeah, it's like we have in other areas of our building where we do have some members who are wheel chair bound, and are able to utilize the facilities.

Chairman Hall: Any other questions?

Ed Meehan: Is it possible to have a separate access for parents to come in and pick up, rather than coming in the front access, so you could split up some of your pedestrian traffic coming into the building.

Kristen Davis: Well, more than likely, the parents will be utilizing the elevator access which again, mostly we have only seniors, and at that time in the afternoon most of the seniors have come in and gone out for the day, so that's primarily, that's what we are going to encourage, that's how we are going to bring the children in, we are anticipating that we are going to bring the children in and out, so there would be again, a minimal amount of traffic flow.

Ed Meehan: But they have to go through the front door, there is no other way to get.....

Richard Booth: Well, there are two entrances to our building. It's the Healthtrax entrance and there is the entrance that is designated as MedWorks. MedWorks has this little lobby area where

we have the elevator. So the parents could be encouraged to pick up their children on that entrance. That is virtually used by our members. Our members usually use the entrance to the left, it's labeled Healthtrax and it goes right up to the fitness center. So we could easily designate that as the entrance for the children.

Chairman Hall: Any other questions? Seeing none, let's see if we have anyone in the audience who wishes to speak in favor of this petition? Anyone wishing to speak against this petition? Anyone wishing just to speak? Seeing none, do we feel that we have to keep this open. I think we probably have gotten as much information tonight as we can, so the next step is, we will take this into consideration, we will not have an answer for you this evening. We will bring it up on the 27<sup>th</sup>.

Ed Meehan: It will be on the agenda for action under Old Business on August 27<sup>th</sup>.

Kristen Davis: Thank you so much for your time.  
Do we need to be in attendance on the 27<sup>th</sup>, or will you just notify us?

Chairman Hall: You won't be able to speak that night anyway, it's just going to be discussion around the table, and then rendering a decision, and you will be notified of the decision, and actually, can they call the next day?

Ed Meehan: Thursday morning.

Kristen Davis: Thank you so much. Have a good evening.

**III. PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes)

None.

**IV. MINUTES**

July 9, 2008 - Special Meeting

Commissioner Fox moved to accept the minutes of the July 9, 2008 Special Meeting. The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion, with six voting YES.

July 23, 2008 – Regular Meeting

Commissioner Fox moved to accept the minutes of the July 23, 2008 Regular Meeting. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with six voting YES.

**V. COMMUNICATIONS AND REPORTS**

Ed Meehan: I have two things actually. One is, I will pass out to the Commission members the appeal of the Three Angels Special Exception which was approved by the Commission at your last meeting. The appeal has been submitted by Attorney Sabatini on behalf of Linda Aieta and Katherine Roche and Michael Roche. The return date is August 26<sup>th</sup>. I talked to Town Attorney Ben Ancona, he may have a conflict of interest, and he would recuse himself. He's waiting to hear back from our insurance coverage, which is Kirma before he talks to the Mayor about appointing a special counsel which he believes would probably be his co-counsel Robinson and

Cole. So that's important that we meet that return date, and file a response to the court that this is going to be answered. So that is where it stands right now.

Chairman Hall: And then on the 27<sup>th</sup> obviously which is the day after that, you will have an update on what transpired by the 26<sup>th</sup>.

Ed Meehan: I can tell you that subsequent to the Commission's approval, the notice was published and when we found out that we were being appealed, we notified Mr. Chapman from Three Angels Church because he was trying to pull together some of his board members to get the financing that was required for the site performance bond. I believe they have gone ahead and done that anyway. I don't know what the outcome of that meeting was, and they have delivered all of the revised building construction plans to the Building Department. They went down Mr. Hobb's list and they revised the plans and submitted them. So, they are proceeding. We haven't seen the mylars come in yet, but they are proceeding, that's where that stands. The second item is, just to give you an update on the downtown revitalization committee, that's the commission that is appointed by Council to begin to look at improvements for the municipal parking lot. Last night, the committee, by consensus, approved the request for proposal which will be advertised this Sunday in the Hartford Courant for engineering and architecture and community planning designers to work with them on the layout of the parking lot, with a return date of I think September 8<sup>th</sup>. So we will try to get a professional on board to start working on options, cost estimates, and bring a construction schedule together. There have been no appeals of 57 Church Street, either by neighbors or the applicant. So that is now proceeding to the next step which is drafting of the settlement agreement. Then eventually they should bring in the mylars to be signed and filed for the interior lot.

Chairman Hall: Now how many days did they have for appeal?

Ed Meehan: They have fifteen days from the date of the legal notice which was published in the Herald. I believe that fifteen days expired last Friday.

Chairman Hall: Questions?

Commissioner Ganley: Who is the Chairman of the center revitalization?

Ed Meehan: Joe Harpie.

Commissioner Ganley: He's also chairman of the Economic Development, good.

Ed Meehan: He read your letter last night by the way, it's entered into the record. Your suggestions for the town center parking lot.

Commissioner Ganley: Thank you.

Chairman Hall: Any questions of Ed on those two matters?

Commissioner Fox: Yeah, Ed, what does this appeal do to the construction progress of the church? Do they keep.....

Ed Meehan: They can move forward unless the plaintiffs want to get an injunction and stop the Building Department from issuing any building permits. The revised, the revisions to the plan which call for the utilities to be outside would be something that they would have to do right up front because it requires moving the water line coming in from Church Street. Aside from that, they're basically going through plan review with the Building Department again.

Commissioner Fox: Thank you.

**VI. NEW BUSINESS**

None.

**VII. OLD BUSINESS**

None.

**VIII. PETITIONS FOR SCHEDULING (TPZ August 27, 2008 and September 10, 2008)**

- A. PETITION 35-08 – Newington Town Plan and Zoning Commission applicant, proposes Amendments to Sections 6.3 Flood Plain Standard, Zoning Regulations and Section 3.2 Suitability of Land Subdivision Regulations to address requirements of the National Flood Insurance Program, new Flood Insurance Rate Map effective September 26, 2008. Schedule for August 27, 2008 public hearing.
- B. PETITION 36-08 – Market Square – Municipal Parking Lot “Newington Waterfall Festival”, September 27, 2008, Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 061121 request for Special Exception Section 3.2.8 B-TC Zone District. Schedule for August 27, 2008 public hearing.

Ed Meehan: Just to give you a rundown on these, Petition 35-08 are revisions to our flood plain zoning regulations and subdivision regulations as required by the National Flood Insurance Program. The maps of Hartford County and much of the state actually were updated and as a result of that, need to represent in our regulations the new map amendments which are now in a digital file, but also the Federal, FEMA has changed some standards which to maintain our eligibility we have modified and drafted the regulations, you have them in our packet. These are set down for public hearing on the 27<sup>th</sup>, and even though we have to go through public hearing, the bottom line is that they have to be adopted pursuant to the regulations to maintain our eligibility. So DEP was given a set of these regulations, they have reviewed them, they find that they are in compliance, but we need to go through the public hearing process to maintain our eligibility.

Market Square, that's the annual Waterfall, I think it's the fourth, maybe fifth time that that has been sponsored, so that is a special event, and that is going to occur September 27<sup>th</sup>, and then there have been three petitions that have come in subsequent to the agenda being sent out. One I mentioned to you once before is for the Shriners, to sponsor a haunted house. They did submit their application. They would like to get on for the 27<sup>th</sup>, so that they can make their plans. The second one is for 2414 Berlin Turnpike, that new restaurant that moved in where Moto-Photo was. They built a patio out front, and they want to actually make that year round. I guess the business is good, but they can't seat all their customers, so they are coming back to amend their special exception.

The last one that has asked to be put on for the 27<sup>th</sup>, is 205 Kelsey Street, that's down near the corner of Christian Lane and Kelsey Street, right next to Michael Angelo's restaurant. A request for adult day care inside one of those office buildings. There is a small, I'll call it Sheltered Workshop down there now, at 48 Christian Lane and this would be adult day care for adults with special needs. They have to get local approval, make sure they meet all the Department of Retardation requirements, and so forth, so they want to get on for the 27<sup>th</sup>, so, nothing really controversial there but five public hearings.

Commissioner Ganley: I'm just trying to visualize the last one, those are the tan brick buildings with the Spanish tile red roofs?



Ed Meehan: Yes.

Commissioner Ganely: Okay, Attorney London has an office.....thank you.

Chairman Hall: Being two members down, do you think that is too many to do on the 27<sup>th</sup>? Tom and Pete are away, definitely. Michelle, are you going to be here for sure?

Commissioner Camerota: I will be here for sure.

Chairman Hall: Okay, so we have filled that slot.

Commissioner Kornichuk: And Dave and I are usually gone at the same time.

Chairman Hall: He didn't mention that he wasn't going to be here.

Ed Meehan: I would go forward, if you have a quorum, you know, the record is verbatim.

Chairman Hall: I don't think there is a lot of controversy here.

Ed Meehan: No, and the flood insurance standards.....the minutes are good, and the tapes are here, and this is not the type of public hearing items that you would expect a big turnout.

Chairman Hall: It's all pretty much housekeeping actually. The adult day care may cause some questions, but one is a slam dunk, one is a repeat.....

Ed Meehan: The haunted house is a temporary type use, it's not going to be, they asked for the month of October, but it's all portable.

Chairman Hall: Okay, then we'll keep them all on.

**IX. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

None.

**X. REMARKS BY COMMISSIONERS**

Commissioner Fox: Ed, I see over here that AT&T is going into Atlanta Bread. Are they, is that the cellular, are they moving from Budney Park.

Ed Meehan: Don't know which one it is. I found out too because of the signage application, I think it may be the one on the corner of Budney and the Berlin Turnpike.

Commissioner Ganley: Any nibbles on the Krispy Kreme bank? The reason that I ask is that there were people in there, hauling stuff out of there.

Ed Meehan: They took all the signage and all of the banking equipment, the window ATM.

Commissioner Ganely: And Brockett Street is moving right along.

Ed Meehan: I went by there tonight and they are starting to backfill and the foundation is moving right along. It took them a long time to get going, but now they are moving.

Across the street, next to Wendy's they were issued their building permits today and now can move a crusher on site. They have some stuff they want to crush. You can see where they sort of pushed some of the stone up.

Pete Hobb's last day is Friday so there is a lot of building permit stuff that we are trying to keep putting on his desk, saying this is a loose end, finish it up, Wendy's was one of them.

To give you a rundown on the projects, Sam's, the construction on the building is basically on hold. The contractor is in financial trouble, there have been issues with the inspections that Wal-Mart requires of any of their projects, it's different layers that even go beyond the local inspections, so that contractor is basically down to a skeleton crew and they are going to bring in a new contractor. There are issues with the roof and with the floor. A basic thing, and until they get those right they aren't going to do anything else in there. The site work is continuing, they have pretty much finished boxing the site out, have all the underground utilities in, they will probably pave that in the next month. All the storm drainage is finished on that side, and are also working behind Stew Leonard's, on that pond, so they will have all that buttoned up by fall.

L.A. Fitness, the Chairman signed the mylars to those this week. They have filed for building permits, they have a contractor lined up to start that work. There is also interest in the 6,000 square foot pad building up front. Delta Building Corporation is probably going to be coming in with a building design for that. The Commission just approved the pad, they didn't approve the actual elevations yet, so I'm not sure what that building is going to be.

The Town has moved to foreclose on National Welding, the court approved that on Monday. So Ben Ancona has a law date about the middle of September, after that we'll own it. We are preparing a request for proposals to go out to see what the private sector has for possible partners. I've been working, trying to work with the Department of Transportation to get a fix on their Cedar Street busway station, which is critical to National Welding as far as the access, incorporating the driveway. They really haven't got anything yet except for some conceptual plans, so a little bit disappointed with that because I thought that going back to April and March the Commission had Rich Hayes before you, we had through the Mayor's office a meeting with the Commissioner, we met with STC staff, it just seems to have stalled, the whole issue of relocating the driveway so we are going to try to bring it back up again before we go out for RFP. You can't get to that site unless you come in from Fenn Road so it's critical to that site.

Northwood Plaza, I did talk to the property owner, Malcolm Arnold who is mentioned is no longer involved with that, it's a gentleman named Curt Hershner who lives down in Easton. He is in poor health right now, but he invited me down to meet with him, for lunch to talk about his project, so maybe the Manager and the Mayor might go down, but supposedly he is talking to somebody about bringing a grocery store in there but he didn't identify them at this point. He does not want to develop the project, he wants to sell it. So that's where he's going with that. That's about it.

Chairman Hall: How about Deming Street? There's piles and piles and piles....

Ed Meehan: Deming Street, that's Mr. Chiuli and a couple other partners. A lot of that material has come from Anna Reynolds which is the blasting of the parking lot up there for the storm water program, as well as the Board of Ed came up with a project to increase the parking. Chiuli has that site, so that's where that material is coming from. Some of the millings came off of Willard Avenue, they are going both to Deming Street as well as ICS on Alumni Road. It's approved for the outside storage. If you drive up Alumni Road you will see that that's under construction now and they are getting ready to construct the outside storage and Shuco has moved in, and they are talking about milling and overlaying the whole parking lot on the Alumni Road side which would nice because now it's very ragged and the drainage isn't good. There was, well we had met with a couple engineers about changing the plans for Deming Road to reduce the number of units, to change the roadway configuration and I thought that was going to go forward but based on the way the piles of stone are laid out down there, it looks like they are trying to create the bed, roadway bed for the road that was approved because they have it piled up almost to the edge of the road, unless they pull that back. The plan stands that was approved by this

Commission and the Conservation and the DEP on behalf of the Corps of Engineers, so they have got to stick with that plan unless they came back to the board. That's where that one is.

Chairman Hall: Any questions for Ed on any projects that you have noticed around town, besides the streets.

Ed Meehan: Garfield Street bridge is on schedule, we've got slowed up a little bit, the Town Engineer, Tony Ferrero told me this morning the water, because of the rain, they can't, they want to compact it in lifts, the backfill, it was spongy, so they are watching that. They have to open that up before school starts. I think that's the 26<sup>th</sup>.

Chairman Hall: So they are planning on bringing the buses back here then.

Ed Meehan: Yes. They can put a binder course down, it's got to be open. The Town Engineer has been very busy, he's got that project going, he's got Anna Reynolds school going which is parking lot expansion and drainage, he's got Kellogg going, for the drop off by parents and additional parking plus the general run of the mill projects.

Commissioner Schatz: Somebody is definitely going to pave all this road that is ripped up, right?

Ed Meehan: Yes, in fact they are supposed to start at Main and Hartford Avenue.....

Commissioner Fox: They got from Hartford Avenue to Coolidge with the first course.

## **XI. STAFF REPORT**

### **A. Bond Release Request – Stew Leonard's.**

Ed Meehan: We've been waiting and Stew Leonard's has been waiting for the project manager down there to cut the grass and trim the hedges which they finally did, up next to Modern Tire. So I can report to you that it is done and I would recommend approval of the bond release.

Chairman Hall: Now, just as devil's advocate, what if they let it grow again and we have already given them back their money? What recourse do we have?

Ed Meehan: Well, the money was posted by Stew Leonard's to remove two or three evergreens and to replant the shrubs that they trimmed recently. The bond is not supposed to be used as a maintenance bond. It's a performance bond.

Chairman Hall: So that part of it, so they fulfilled their obligation to the performance.

Ed Meehan: What we would have to do is to bug the project landscape contractor who called me, I have his name. He wanted clarification on what he was supposed to do before he went up there and I talked to him, and he said, no problem, he would do it, but he's the guy we would have to bug. If it becomes a jungle again, he's the guy we'll go after.

### **Stew Leonard's Bond Release**

Commissioner Schatz moved that the \$33,500 site bond held for the completion of landscape plantings and stabilization of the slope adjacent to the Berlin Turnpike be released all work having been completed.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with six voting YES.

B. Proposed Zone Amendments:

Section 4.4.8 Temporary Handicapped Accessible Ramps

Section 7.4.19 (D) Corner Lot Fence Height Standard.

Ed Meehan: Just quickly, in the packet there should have been a couple of short amendments that staff is suggesting that the Commission consider. Section 4 would be a modification where through the Zoning Enforcement Officer a temporary handicapped ramp could be approved under these suggested conditions. Frequently now, the situation is if the household cannot make the setback, front yard setback or side yard setback, they have to go before ZBA and go through the variance process and sometimes that can take a month, sometimes it can take longer depending on what cycle they are in as far as the meeting. This is a way to expedite the process but still to be assured that it is needed and it's temporary and it meets all ADA performance. Several communities do this now, as a temporary special permit. That is the suggestion there. Section 7.4.19 (D), is trying to clarify issues with fencing. It's come up quite a bit, there seems to be a rash of these, every once in a while. "Why can't I have a six foot fence across my front yard? I'm a corner lot, one side is front, one side is side, I want six on one side and four on the other" and tied into this is another section of the regulations that has to do with corner visibility for safe sight lines. Basically the suggestion here is that if you have a corner lot, you can pick the corner on the outside street, and from that corner you can bring your six foot fence back from that corner. That's well behind any safe sight line concerns, shouldn't block any views across the front yard, and if you still want a fence across your front yard, you could go with a four foot fence, as long as it doesn't block the sight lines on the corner. There was a gentleman who came to the Council last night over his fence issue, there have been issues with people on Hall Court. If you drive around town, it's just, because they don't need a zoning or building permit for a fence, there's just all different issues. The only issue we have is, A, that it doesn't block sight lines, that's our concern, and B, it's on their property. The gentleman on the corner of Mountain View and Connecticut Avenue put a very nice fence in, and the fence that he replaced was there for thirteen years, but it's about ten feet into the town right of way. So, we're not telling him that he can't keep his fence, we just don't want it on the town right of way. That's the issues that we have.

Commissioner Kornichuk: Now these fences, hedges too?

Ed Meehan: No, hedges would come under the corner visibility issue. Say you have a pivot ledge or something across the front, it would have to be cut and sometimes it even has to be lower than four feet. Safe stopping sight line distance is usually an object eighteen inches in the road. That's ConnDot standards, so, we have two intersecting streets, you have to have safe sight lines.

Chairman Hall: And by safe sight lines, has this changed in the past couple of years with all the SUV's and the higher profile vehicles? I am assuming that they're basing it on a standard sedan, correct? Obviously when you are in a van or an SUV you don't have those problems, as often, but in a regular car, you are lower to the ground, so I'm assuming that's what they are talking about, safe sight.

Ed Meehan: It depends on, sometimes it depends on the corner radius, if it's a sharper radius you may want to, instead of having sight lines of twenty feet at the corners, you may have fifteen, or five foot radius which would be very tight. You want to have the sight lines go back further from the corner. If it's a wider corner, where your sight lines would sweep around the corner, you could probably stay with a twenty, fifteen foot radius. A lot of this, this is why I had the Town

Engineer go out and look, and if we have to we would serve it. That's the fall back here. Make a field judgment of what the situation is.

These would have to go through the public hearing process, if you are interested in moving them forward. We would not do that on the 27<sup>th</sup>, all the legal notices for the 27<sup>th</sup> have to go in tomorrow, I didn't know where the Commission stood on these, but we could do them this fall, if you wanted to.

Chairman Hall: With five public hearings on the 27<sup>th</sup>, I think we'll wait.  
Any other questions, comments?

**XII. ADJOURNMENT**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary